

REMARKS

The Office Action of December 28, 2006, has been carefully reviewed, and in view of the above amendments and the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

In response to the telephone Species Election imposed by the Examiner, Applicant confirms the election of the invention of Species A, as set forth in claim 1-11. In accordance with this election, claims 12-16 have been cancelled.

Applicants gratefully acknowledge the indication of allowability for claims 7 and 8, if rewritten in independent form to include the base claim and any intervening claims. In view thereof, claims 1 and 3 have been amended to substantially recite the limitations set forth in allowable claims 7 and 8, respectively. Applicant respectfully submits that as amended claims 1 and 3 are allowable over the prior art and that claims 2, 4-6, and 9-11 depending therefrom are also in condition for allowance based at least on their dependence therefrom.

In addition, in the above Office Action, the Examiner objected to the specification for not stating the priority benefits in the first sentence of the specification. Applicant respectfully notes that MPEP 201.11 and the statement therein that a "later-filed application must contain a reference to the prior-filed application in the first sentence(s) of the specification or in an application data sheet," pertains only to domestic priority claimed under 35 U.S.C. 120, 121, or 365(c), and under 35 U.S.C. 119(e). This statement does not apply to priority from a foreign application that is claimed under 35 U.S.C. 119(a)-(d). As such, Applicant respectfully contends that amendment of the specification is not required.

Finally, the Examiner also objected to the specification due to the alleged incorporation of essential material by reference to a foreign application or patent. In reviewing the specification, Applicant notes two references to foreign patents. However, neither reference is incorporated by reference and neither reference could be said to incorporate essential material as they are only mentioned in the background section of the specification. Nevertheless, for the ease of the reader and as the Examiner suggested, the specification has been amended to include the corresponding U.S. patent numbers.

CONCLUSION

In view of the above amendments and remarks, Applicant respectfully submits that the claims of the present application are now in condition for allowance, and an early indication of the same is earnestly solicited.


Should any questions arise in connection with this application or should the Examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application; the Examiner is kindly invited to call the undersigned counsel for Applicant regarding the same.

Respectfully submitted,

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